

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 371 be amended to read as follows:

- 1 Page 1, line 3, delete ""mobile" and insert ""**railroad labor**".
- 2 Page 1, line 3, delete "means a temporary location where at least
- 3 two (2)" and insert "**has the meaning set forth in IC 16-41-43-1.**".
- 4 Page 1, delete line 4.
- 5 Page 2, line 1, delete "mobile" and insert "**railroad labor**".
- 6 Page 2, line 1, delete "provide and adequately maintain" and insert
- 7 "**comply with requirements for the railroad labor camp specified**
- 8 **in IC 16-41-43 and the rules adopted under IC 16-41-43.**".
- 9 Page 2, delete lines 2 through 30.
- 10 Page 3, delete lines 19 through 22.
- 11 Page 3, line 23, delete "IC 16-18-2-237.5" and insert "IC
- 12 16-18-2-307.3".
- 13 Page 3, line 25, delete "237.5. "Mobile" and insert "**307.3.**
- 14 **"Railroad labor**".
- 15 Page 3, line 26, delete "IC 16-19-3," and insert "**IC 16-41-43,**".
- 16 Page 3, line 26, delete "IC 16-19-3-0.5." and insert "**IC**
- 17 **16-41-43-1.**".
- 18 Page 3, delete lines 27 through 42.
- 19 Page 4, delete lines 1 through 22.
- 20 Page 4, line 23, delete "IC 16-19-3-4.4" and insert "IC 16-41-43".
- 21 Page 4, line 24, delete "SECTION" and insert "CHAPTER".
- 22 Page 4, line 25, delete "Sec. 44. (a) The executive board shall adopt
- 23 reasonable" and begin a new paragraph and insert:
- 24 "**Chapter 43. Health, Sanitation, and Safety: Railroad Labor**

1 **Camps**

2 **Sec. 1.** As used in this chapter, "railroad labor camps" includes
3 at least one (1) building or structure, tent, trailer, or vehicle,
4 including the land, that is established, operated, or used as living
5 quarters for at least two (2) adult workers engaged in railroad
6 activities.

7 **Sec. 2.** A person operating or maintaining an railroad labor
8 camp shall comply with this chapter and rules adopted under this
9 chapter.

10 **Sec. 3.** (a) Except as provided in subsection (b), a person may
11 not directly or indirectly operate a railroad labor camp:

12 (1) until the person has obtained from the state department a
13 permit to operate the railroad labor camp; and

14 (2) unless the permit is in full force and effect and is posted
15 and kept posted in the railroad labor camp to which the
16 permit applies at all times during maintenance and operation
17 of the railroad labor camp.

18 (b) A person may operate one (1) or more living units of a
19 railroad labor camp under a permit issued under section 5 of this
20 chapter.

21 (c) The department may collect fees necessary to cover all
22 expenses incurred in the process of issuing permits and conducting
23 inspections of a railroad labor camp operated under a permit
24 issued under this section.

25 **Sec. 4.** (a) In addition to a permit issued under section 3 of this
26 chapter, the state department may issue a permit that is limited to
27 one (1) or more specific living units of a railroad labor camp. The
28 state department may issue more than one (1) permit under this
29 section to a person operating a railroad labor camp.

30 (b) Rules adopted under this chapter apply to permits issued
31 under this section.

32 (c) The department may collect fees necessary to cover all
33 expenses incurred in the process of issuing permits and conducting
34 inspections of a railroad labor camp operated under a permit
35 issued under this section.

36 **Sec. 5.** (a) An application to operate a railroad labor camp must
37 be made to the state department in writing on a form and in the
38 manner prescribed by the state department.

39 (b) The state department shall issue a permit for the operation
40 of a railroad labor camp if the state department is satisfied, after
41 investigation or inspection, that the railroad labor camp meets the
42 minimum standards of construction, sanitation, equipment, and
43 operation required by rules adopted under section 7 of this
44 chapter.

45 (c) A permit is valid from the date of issuance through May 1 of
46 the following year unless the permit is revoked.

47 (d) A railroad labor camp must be inspected and a permit issued

before the labor camp is occupied.

(e) A permit is not transferable.

(f) If an applicant is refused a permit, the state department shall, upon request, afford the applicant a fair hearing in accordance with IC 4-21.5-3.

Sec. 6. The state department may, after reasonable notice and opportunity for a fair hearing in accordance with IC 4-21.5-3, revoke a permit authorizing the operation of a railroad labor camp if the state department finds that the holder of the permit has failed to comply with a provision of this chapter or a rule or an order issued under this chapter.

Sec. 7. (a) Except as provided in subsection (b), the state department shall adopt rules under IC 4-22-2 necessary to protect the health, safety, and welfare of persons living in railroad labor camps. The rules must prescribe standards for living quarters at railroad labor camps, including provisions relating to:

- (1) construction of railroad labor camps;
- (2) sanitary conditions;
- (3) light;
- (4) air;
- (5) safety protection from fire hazards;
- (6) equipment, maintenance, and operation of the railroad labor camp;
- (7) sewage disposal through septic tank absorption fields; and
- (8) other matters appropriate for the security of the life and health of occupants.

(b) The water pollution control board shall adopt rules under IC 4-22-2 pertaining to water supplies and sewage disposal systems other than septic tank absorption fields required for railroad labor camps.

(c) In the preparation of rules, the state department:

- (1) shall consult with and request technical assistance from other appropriate state agencies; and
- (2) may appoint and consult with committees of technically qualified persons and of representatives of employers and employees.

(d) If a conflict exists between rules adopted under this chapter and rules adopted by the fire prevention and building safety commission, the rules authorized in this section apply.

(e) A copy of every rule adopted under this chapter shall be sent to:

- (1) each health officer in Indiana;
- (2) the heads of other state agencies with specific or related responsibility affecting railroad labor camps; and
- (3) any person requesting the rules.

The rules affecting railroad labor camps adopted under this chapter shall be published periodically in the manner the state

1 department determines.

2 Sec. 8. The state department may initiate an action under
3 IC 4-21.5-3-6 or IC 4-21.5-3-8 to enforce this chapter and rules
4 adopted under this chapter.

5 Sec. 9. The state department and the state department's
6 authorized representatives may enter and inspect railroad labor
7 camps at reasonable hours and may question the persons and
8 investigate the facts, conditions, and practices or matters that the
9 state department considers necessary or appropriate to:

- 10 (1) determine whether a person has violated a provision of
11 this chapter or a rule adopted under this chapter;
- 12 (2) aid in the enforcement of this chapter or a rule adopted
13 under this chapter; or
- 14 (3) aid in the adoption of rules under this chapter.

15 The state department may, to the extent appropriate, utilize the
16 services of any other state department or agency of the government
17 for assistance in the inspections and investigations.

18 Sec. 10. (a) A person aggrieved by an order of the state
19 department denying or revoking a permit to operate a railroad
20 labor camp may, in accordance with IC 4-21.5-5, petition the
21 circuit or superior court for a review of the order asking that the
22 order be modified or set aside.

23 (b) A person aggrieved by a rule adopted under section 7 of this
24 chapter by the state department may, not more than thirty (30)
25 days after the rule becomes effective, petition the circuit or
26 superior court to modify or set aside the rule in whole or in part,
27 but only on the ground that the rule is unlawful or unreasonable.

28 (c) A copy of a petition filed under subsection (a) or (b) shall be
29 served on the state health commissioner. The state department
30 shall keep and, on notice of filing of the petition, shall certify and
31 file in the court a full record in the proceeding on which the action
32 complained of is based.

33 (d) The review authorized in subsection (a) or (b) is limited to
34 questions of law. Findings of fact by the state department, if
35 supported by substantial evidence, are conclusive.

36 (e) The jurisdiction of the court is exclusive and the court's
37 judgment is final, except that the judgment is subject to review by
38 the supreme court.

39 Sec. 11. The state department may designate an agent who may,
40 on presentation of proper credentials, enter on private or public
41 property to inspect for and investigate possible violations of this
42 chapter or a rule adopted under this chapter.

43 Sec. 12. (a) The state department shall adopt rules under
44 IC 4-22-2 that establish a schedule of civil penalties that may be
45 levied in an action to enforce the provisions of the following:

- 46 (1) This chapter.
- 47 (2) The rules adopted by the state department.

(b) The state department may issue an order of compliance, impose a civil penalty included in the schedule of civil penalties adopted under subsection (a), or both, against a person who:

(1) fails to comply with this chapter or a rule adopted under this chapter; or

(2) interferes with or obstructs the state department or the state department's designated agent in the performance of duties under this chapter.

(c) An order of compliance may be issued under IC 4-21.5-3-6, IC 4-21.5-3-8, or IC 4-21.5-4. A civil penalty may be imposed only in a proceeding under IC 4-21.5-3-8.

(d) A proceeding commenced to impose a civil penalty may be consolidated with any other proceeding commenced to enforce this chapter or a rule adopted under this chapter."

Page 4, delete lines 26 through 42.

Page 5, delete lines 1 through 6.

Page 5, line 8, delete "IC 16-19-3-4.4," and insert "**IC 16-41-43-7 and IC 16-41-43-12, both**".

Page 5, line 9, delete "shall" and insert "**may adopt temporary interim rules in the manner provided for the adoption of emergency rules under IC 4-22-2-37.1 to**".

Page 5, line 10, delete "IC 16-19-3-4.4," and insert "**IC 16-41-43,**".

Page 5, line 10, delete ", under interim written" and insert ". **A temporary interim rule adopted under this SECTION shall be treated as a rule adopted under IC 16-41-43.**".

Page 5, delete line 11.

Page 5, line 12, delete "earlier" and insert "**earliest**".

Page 5, line 13, after "date" insert "**the temporary interim rule is superseded or repealed by**".

Page 5, line 13, delete "rules are adopted under IC 16-19-3-4.4 as added" and insert "**rules adopted under IC 4-22-2.**".

Page 5, delete line 14.

- 1 Page 5, line 15, after "(2)" insert "**The date that the temporary**
2 **interim rule is superseded or repealed by another temporary**
3 **interim rule adopted under this SECTION.**
4 **(3)**".
5 Renumber all SECTIONS consecutively.
 (Reference is to ESB 371 as printed March 16, 2007.)

Representative Bell